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DECLARATION FOR PATENT APPLICATION

As the below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first inventor of the subject matter that is claimed and for which a patent is sought on the invention entitled COMPUTER-DIRECTED ASSEMBLY OF A POLYNUCLEOTIDE ENCODING A TARGET POLYPEPTIDE, the specification of which

\_\_\_\_\_ is attached hereto as Attorney Docket No. \_\_\_\_\_).

\_\_\_\_\_ X was filed on January 18, 2002,  
as Application Serial No. 10/052,582  
(Attorney Docket No. P-EA 5160)

and was amended on (or amended through) \_\_\_\_\_.  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified application; including the claims, as amended by any amendment(s) referred to above.

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to myself to be material to patentability as defined in Title 37, Code of Federal Regulations, Sec. 1.56.

Under Sec. 1.56, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and (1) It

Inventor: Glen A. Evans  
Serial No.: 10/052,582  
Filed: January 18, 2002  
Page 2

establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or (2) It refutes, or is inconsistent with, a position the applicant takes in: (a) Opposing an argument of unpatentability relied on by the U.S. Patent and Trademark Office, or (b) Asserting an argument of patentability.

I hereby claim the benefit under Title 35, United States Code, § 119(e) of the United States provisional application(s) listed below, which was converted to a provisional application by Petition under 37 C.F.R. Sec. 1.53(c)(2)(i), and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application(s) in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose information that is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 that became available between the filing date of the prior application(s) listed below and the filing date of this non-provisional application:

<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Status</u>
60/262,693	January 19, 2001	Abandoned

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or

Inventor: Glen A. Evans  
Serial No.: 10/052,582  
Filed: January 18, 2002  
Page 3

imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of inventor: Glen A. Evans

Inventor's signature: 

Date:

July 7, 2002

Residence: 1652 Via Cancion  
San Marcos, California 92069 USA

Citizenship: USA

Mailing Address: 1652 Via Cancion  
San Marcos, California 92069 USA



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Executed Declaration for Patent  
Application  
Attorney Docket No.: P-EA 5160  
Serial No.: 10/052,582

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Attn: Box Missing Parts, Commissioner for Patents, Washington, D.C. 20231, on July 15, 2002.

By Astrid R. Spain  
Astrid R. Spain, Reg. No. 47,956

July 15, 2002  
Date of Signature

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Recordation Form cover Sheet and  
Executed Assignment  
Attorney Docket No.: P-EA 5160  
Serial No.: 10/052,582

I hereby certify that this correspondence is being deposited with  
the United States Postal Service as first class mail in an  
envelope addressed to: Attn: Box Missing Parts, Commissioner for  
Patents, Washington, D.C. 20231, on July 15, 2002.

By Astrid R. Spain  
Astrid R. Spain, Reg. No. 47,956

July 15, 2002  
Date of Signature

## COPY OF PAPERS

Scket No.: P-EA 5061

FORM PTO-1595 (Modified)  
(Rev. 03-01)  
OMB No. 0651-0027 (exp. 5/31/2002)  
P08/REVO3

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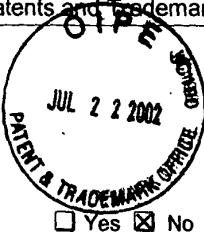
## RECORDATION FORM COVER SHEET

U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

**PATENTS ONLY**Tab settings 

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):  
**Glen A. Evans**



Additional names(s) of conveying party(ies)

2. Name and address of receiving party(ies):

Name: **EGEA BIOSCIENCES, INC.**

Internal Address: \_\_\_\_\_

3. Nature of conveyance:

Assignment  Merger  
 Security Agreement  Change of Name  
 Other \_\_\_\_\_

Execution Date: **July 11, 2002**Street Address: **6759 Mesa Ridge Road****Suite 100**City: **San Diego** State: **CA** ZIP: **92121**Additional name(s) & address(es) attached?  Yes  No

4. Application number(s) or patent numbers(s):

If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

A. Patent Application No.(s)

**10/052,582**

07/24/2002 MDA/TE1 00000011 030370 10052582

07 FC:581 27.00 CH 13.00 DP

B. Patent No.(s)

Additional numbers attached?  Yes  No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: **Cathryn Campbell**Internal Address: **CAMPBELL & FLORES LLP**6. Total number of applications and patents involved: **1**Street Address: **4370 La Jolla Village Drive****7th Floor**City: **San Diego** State: **CA** ZIP: **92122**7. Total fee (37 CFR 3.41): ..... \$ **40.00** Enclosed - Any excess or insufficiency should be credited or debited to deposit account Authorized to be charged to deposit account

8. Deposit account number:

**03-0370**

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. Statement and signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.***Astrid R. Spain, Reg. N . 47,956***Astrid R. Spain***July 15, 2002**

Name of Person Signing

Signature

**3**

Date

Total number of pages including cover sheet, attachments, and document:

Mail documents to be recorded with required cover sheet information to:  
 Commissioner of Patents & Trademarks, Box Assignments  
 Washington, D.C. 20231

SOLE

ASSIGNMENT

This Assignment is made by Glen A. Evans of San Marcos, California, USA, Assignor, to EGEA BIOSCIENCES, INC., Assignee, having a place of business at 6759 Mesa Ridge Road, Suite 100, San Diego, California 92121, USA.

WHEREAS, Assignor has invented a new and useful COMPUTER-DIRECTED ASSEMBLY OF A POLYNUCLEOTIDE ENCODING A TARGET POLYPEPTIDE for which an application for United States Letters Patent was filed on January 18, 2002, in the United States Patent and Trademark Office, bearing Serial No. 10/052,582 and identified as Attorney Docket No. P-EA 5160.

WHEREAS, Assignor believes that Assignor is the original inventor of the invention disclosed and claimed in said application for Letters Patent; and

WHEREAS, the parties desire to have a recordable instrument assigning the entire right, title and interest in and to said invention, said application and any Letters Patent that may be granted for said invention in the United States and throughout the world;

NOW, THEREFORE, in accordance with the obligations to assign the invention and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignor sells, assigns, and transfers to Assignee, the entire right, title, and interest in and to said invention, said application, any applications entitled to benefit of priority to said application under Title 35, United States Code, Sections 120, 121 or 251, which include divisionals, continuations and reissues, and any Letters Patent that may be granted on said invention or these applications and any Letters Patent that may be granted for said invention in the United States and throughout the world, including the right to file foreign applications directly in the name of the Assignee and to claim for any such foreign applications any priority rights to which such applications are entitled under international conventions, treaties, or otherwise.

Assignor agrees that, upon request and without further compensation, but at no expense to Assignor, Assignor and Assignor's legal representatives and assigns will do all lawful acts, including the execution of papers and the giving of testimony, that may be necessary or desirable for obtaining, sustaining, reissuing, or enforcing Letters Patent in the United States and throughout the world for said invention, and for



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Executed Small Entity Statement  
Attorney Docket No.: P-EA 5160  
Serial No.: 10/052,582

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Attn: Box Missing Parts, Commissioner for Patents, Washington, D.C. 20231, on July 15, 2002.

By Astrid R. Spain  
Astrid R. Spain, Reg. No. 47,956  
July 15, 2002  
Date of Signature

Inventor: Glen A. Evans  
Serial No.: 10/052,582  
Filed: January 18, 2002  
Page 2

perfecting, recording, or maintaining the title of Assignee, its successors and assigns, to said invention, said application, and any Letters Patent granted for said invention in the United States and throughout the world.

Assignor represents and warrants that Assignor has not granted and will not grant to others any rights inconsistent with the rights granted herein.

Assignor authorizes and requests that any United States or foreign Letters Patent granted for said invention, whether on said application or on any subsequently filed divisional, continuation or reissue application, be issued to Assignee, its successors and assigns, as the assignee of the entire interest in said invention.

IN WITNESS WHEREOF, Assignor has executed this Assignment on the date(s) provided below.

Assignor: Glen A. Evans

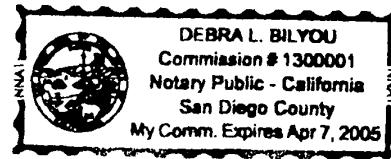
  
Signature July 11, 2002 Date

STATE OF California )  
COUNTY OF San Diego )

On July 11 2002, before me, Debra L Bilyou, Notary Public  
personally appeared Glen A. Evans,  
personally known to me - OR - X proved to me on the basis  
of satisfactory evidence to be the person(s) whose name(s) is/are  
subscribed to the within instrument and acknowledged to me that  
he/she/they executed the same in his/her/their authorized  
capacity(ies), and that by his/her/their signature(s) on the  
instrument the person(s), or the entity upon behalf of which the  
person(s) acted, executed the instrument.

WITNESS by hand and official seal.

  
(Signature of Notary)





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PATENT  
Our Docket: P-EA 5160

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: )  
Glen A. Evans )  
 )  
Serial No.: 10/052,582 )  
 )  
Filed: January 18, 2002 )  
 )  
For: COMPUTER-DIRECTED )  
ASSEMBLY OF A )  
POLYNUCLEOTIDE ENCODING )  
A TARGET POLYPEPTIDE )  
 )

Commissioner for Patents  
Washington, D.C. 20231

Sir:

SMALL ENTITY STATEMENT

The U.S. Patent and Trademark (USPTO) permits parties that establish status as a Small Entity to pay certain reduced fees (all citations to 37 C.F.R. § 1.27 except as noted). To be entitled to Small Entity Status, a party must be at least one of the following:

**(1) Individual person:**

An individual person, including an inventor and persons to whom an inventor has transferred some rights in the invention. § 1.27(a)(1).

**(2) Small business concern:**

A business concern whose number of employees, including affiliates, does not exceed 500 persons. § 1.27(a)(2) (incorporating 13 C.F.R. § 121.802).

"Business concern" means individual proprietorship, partnership, limited liability company, corporation, joint venture, association, trust or cooperative. If the concern is a joint

Inventor: Glen A. Evans  
Serial No.: 10/052,582  
Filed: January 18, 2002  
Page 2

venture, participation by foreign business entities may not be more than 49%. 13 C.F.R. § 121.105.

The "number of employees" is the average number of employees, including the employees of its domestic and foreign affiliates, based on numbers of employees for each of the pay periods for the preceding completed 12 calendar months.

"Employees" includes all individuals employed on a full-time, part-time, temporary, or other basis. Part-time and temporary employees are counted the same as full-time employees. If a concern has not been in business for 12 months, use the average number of employees for each of the pay periods it has been in business. 13 C.F.R. § 121.106.

Concerns are "affiliates" of each other when one concern directly or indirectly controls or has the power to control the other, or when a third party or parties controls or has the power to control both concerns. 13 C.F.R. § 121.103(a).

**(3) Nonprofit organization:**

A university or other institution of higher education located in any country. § 1.27(a)(3)(ii)(A).

An organization of the type described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a). Also included are such organizations located in a foreign country that would qualify if it were located in this country. § 1.27(a)(3)(ii)(B), (D).

A nonprofit scientific or educational organization qualified under a nonprofit organization statute of a U.S. state. Also included are such organizations located in a foreign country that would qualify if it were located in this country. § 1.27(a)(3)(ii)(C), (D).

Inventor: Glen A. Evans  
Serial No.: 10/052,582  
Filed: January 18, 2002  
Page 3

Please note that a license to the Government resulting from a rights determination under Executive Order 10096 does not constitute a license that would prohibit claiming Small Entity Status. Similarly, for small business concerns and nonprofit organizations, a license to a Federal agency resulting from a funding agreement with that agency under 35 U.S.C. § 202(c)(4) is not a license that would prohibit claiming Small Entity Status. § 1.27(a)(4).

I hereby assert that I am empowered to sign on behalf of the party identified below ("Party"). Persons empowered to sign include an inventor him- or herself or an authorized officer of the assignee, where the assignee has at least an undivided part interest in the application or patent. § 1.27(c)(2).

I have made a determination of the Party's entitlement to Small Entity Status, including a determination that all parties holding rights in the invention qualify for Small Entity Status. § 1.27(f).

I hereby assert that the Party has not assigned, granted, conveyed or licensed--and is under no obligation under contract or law to do so--any rights in the invention to any other party that would not qualify as a Small Entity. If the rights in the invention held by the Party are not exclusive, each party having rights in the invention is listed below:

None

Separate assertions of Small Entity Status should be obtained from each party having rights to the invention.

Inventor: Glen A. Evans  
Serial No.: 10/052,582  
Filed: January 18, 2002  
Page 4

I hereby assert that the Party is entitled to be accorded Small Entity Status by the USPTO for the application or patent identified above. § 1.27(c)(1).

I understand that Small Entity Status must be newly determined when the issue fee and each maintenance fee is due. If there is any change resulting in loss of entitlement to Small Entity Status, I acknowledge the duty to file a notification to the USPTO in this application or patent before or upon paying the fee. § 1.27(g).

I understand that Small Entity Status must be separately established in any related application, including continuation, divisional, continuation-in-part, continued prosecution application or reissue application. § 1.27(c)(4).

I understand that any attempt to establish Small Entity Status improperly, deceptively or fraudulently will be considered a fraud practiced on the USPTO and may result in abandonment of the application or jeopardize the validity and enforceability of any resulting patent. § 1.27(h).

July 9, 2002  
Date

  
Name: Glen A. Evans

Title: Chief Executive Officer  
EGEA BIOSCIENCES, INC.  
6759 Mesa Ridge Road  
Suite 100  
San Diego, California 92121  
USA

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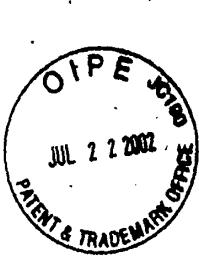


Executed Power of Attorney for  
Patent Application by Assignee  
Attorney Docket No.: P-EA 5160  
Serial No.: 10/052,582

I hereby certify that this correspondence is being deposited with  
the United States Postal Service as first class mail in an  
envelope addressed to: Attn: Box Missing Parts, Commissioner for  
Patents, Washington, D.C. 20231, on July 15, 2002.

By Astrid R. Spain  
Astrid R. Spain, Reg. No. 47,956

July 15, 2002  
Date of Signature



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POWER OF ATTORNEY FOR PATENT APPLICATION BY ASSIGNEE

Assignee EGEA BIOSCIENCES, INC., is the owner of the entire right, title and interest of U.S. Patent Application Serial No. 10/052,582, filed on January 18, 2002, as attorney docket number P-EA 5160, and entitled COMPUTER-DIRECTED ASSEMBLY OF A POLYNUCLEOTIDE ENCODING A TARGET POLYPEPTIDE, and any subsequently filed divisional, continuation, or reissue application, including international and foreign applications claiming priority thereto.

The Assignee hereby appoints the following attorneys to prosecute these applications and to transact all related business in the United States Patent and Trademark Office and any international and foreign patent offices:

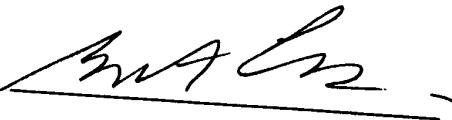
CATHRYN CAMPBELL, Registration No. 31,815; DAVID A. GAY, Registration No. 39,200; CALVIN A. FAN, Registration No. 38,444; ANDREA L. GASHLER, Registration No. 41,029; JAMES J. WONG, Registration No. 34,949; DEBORAH L. CADENA, Registration No. 44,048; MELANIE K. WEBSTER, Registration No. 45,201; ASTRID R. SPAIN, Registration No. 47,956; KIMBERLY J. PRIOR, Registration No. 41,483; JOHN T. MURPHY, Registration No. 50,583; and PAMELA M. GUY, Registration No. 51,228.

Please direct all telephone calls to Cathryn Campbell at (858) 535-9001 and address all correspondence to:

CATHRYN CAMPBELL  
CAMPBELL & FLORES LLP  
4370 La Jolla Village Drive  
7<sup>th</sup> Floor  
San Diego, California 92122  
USPTO CUSTOMER NO. 23601

Inventor: Glen A. Evans  
Serial No.: 10/052,582  
Filed: January 18, 2002  
Page 2

The undersigned is authorized to sign on behalf of the  
Assignee.

Signature: 

Name (typed): Glen A. Evans

Title: Chief Executive Officer

Assignee: EGEA BIOSCIENCES, INC.

Date: July 9, 2002



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Executed Statement Under  
37 C.F. R. § 3.73(b) with copy of  
executed Assignment  
Attorney Docket No.: P-EA 5160  
Serial No.: 10/052,582

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the United States Postal Service as first class mail in an  
envelope addressed to: Attn: Box Missing Parts, Commissioner for  
Patents, Washington, D.C. 20231, on July 15, 2002.

By Astrid R. Spain

Astrid R. Spain, Reg. No. 47,956

July 15, 2002  
Date of Signature



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STATEMENT UNDER 37 C.F.R. § 3.73(b)

Title of Application: COMPUTER-DIRECTED ASSEMBLY OF A  
POLYNUCLEOTIDE ENCODING A TARGET  
POLYPEPTIDE

Application Ser. No.: 10/052,582

Filed: January 18, 2002

Inventor(s): Glen A. Evans

Attorney Docket No.: P-EA 5160

EGEA BIOSCIENCES, INC., a corporation, states that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment from the inventors of the application. A copy of the executed assignment, submitted for recording, is attached hereto as documentary evidence of the chain of title to the assignee.

The undersigned is empowered to sign this statement on behalf of the assignee.

Date: July 9, 2002

Signature: Glen A. Evans

Name: Glen A. Evans  
Title: Chief Executive Officer

# COPY

SOLE

## ASSIGNMENT

This Assignment is made by Glen A. Evans of San Marcos, California, USA, Assignor, to EGEA BIOSCIENCES, INC., Assignee, having a place of business at 6759 Mesa Ridge Road, Suite 100, San Diego, California 92121, USA.

WHEREAS, Assignor has invented a new and useful COMPUTER-DIRECTED ASSEMBLY OF A POLYNUCLEOTIDE ENCODING A TARGET POLYPEPTIDE for which an application for United States Letters Patent was filed on January 18, 2002, in the United States Patent and Trademark Office, bearing Serial No. 10/052,582 and identified as Attorney Docket No. P-EA 5160.

WHEREAS, Assignor believes that Assignor is the original inventor of the invention disclosed and claimed in said application for Letters Patent; and

WHEREAS, the parties desire to have a recordable instrument assigning the entire right, title and interest in and to said invention, said application and any Letters Patent that may be granted for said invention in the United States and throughout the world;

NOW, THEREFORE, in accordance with the obligations to assign the invention and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignor sells, assigns, and transfers to Assignee, the entire right, title, and interest in and to said invention, said application, any applications entitled to benefit of priority to said application under Title 35, United States Code, Sections 120, 121 or 251, which include divisionals, continuations and reissues, and any Letters Patent that may be granted on said invention or these applications and any Letters Patent that may be granted for said invention in the United States and throughout the world, including the right to file foreign applications directly in the name of the Assignee and to claim for any such foreign applications any priority rights to which such applications are entitled under international conventions, treaties, or otherwise.

Assignor agrees that, upon request and without further compensation, but at no expense to Assignor, Assignor and Assignor's legal representatives and assigns will do all lawful acts, including the execution of papers and the giving of testimony, that may be necessary or desirable for obtaining, sustaining, reissuing, or enforcing Letters Patent in the United States and throughout the world for said invention, and for

Inventor: Glen A. Evans  
Serial No.: 10/052,582  
Filed: January 18, 2002  
Page 2

perfecting, recording, or maintaining the title of Assignee, its successors and assigns, to said invention, said application, and any Letters Patent granted for said invention in the United States and throughout the world.

Assignor represents and warrants that Assignor has not granted and will not grant to others any rights inconsistent with the rights granted herein.

Assignor authorizes and requests that any United States or foreign Letters Patent granted for said invention, whether on said application or on any subsequently filed divisional, continuation or reissue application, be issued to Assignee, its successors and assigns, as the assignee of the entire interest in said invention.

IN WITNESS WHEREOF, Assignor has executed this Assignment on the date(s) provided below.

Assignor: Glen A. Evans

  
\_\_\_\_\_  
Signature

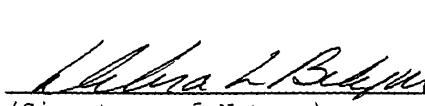
Jul 11, 2002  
Date

STATE OF California )  
COUNTY OF San Diego )

On July 11 2002, before me, Debra L Bilyou, Notary Public  
personally appeared Glen A. Evans

personally known to me - OR -  proved to me on the basis  
of satisfactory evidence to be the person(s) whose name(s) is/are  
subscribed to the within instrument and acknowledged to me that  
he/she/they executed the same in his/her/their authorized  
capacity(ies), and that by his/her/their signature(s) on the  
instrument the person(s), or the entity upon behalf of which the  
person(s) acted, executed the instrument.

WITNESS by hand and official seal.

  
(Signature of Notary)

